

Message Text

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ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 PM-07 H-03 INR-10 L-03 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 NEA-10 TRSE-00 SAJ-01

OMB-01 ACDA-19 DRC-01 CU-04 /135 W

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O R 061005Z APR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 5064

INFO ALL CSCE CAPITALS 127

C O N F I D E N T I A L GENEVA 2204

E.O. 11652: GDS

TAGS: PFOR

SUBJ: CSCE:AGREEMENT ON PRINCIPLE OF INVIOABILITY
OF FRONTIERS

REF: GENEVA 2201 NOTAL

SUMMARY: CSCE REACHED AGREEMENT ON TEXT OF KEY PRINCIPLE
OF INVIOABILITY OF FRONTIERS AT LATE NIGHT SESSION
APRIL 5, FOLLOWING LAST MINUTE FRG-SOVIET COMPROMISE.
END SUMMARY.

1. TEXT OF PRINCIPLE OF INVIOABILITY OF FRONTIERS WAS
REGISTERED AT FINAL FRIDAY NIGHT MEETING BEFORE EASTER
RECESS AS FRG REACHED AGREEMENT
WITH SOVIETS ON LAST MINUTE DIFFERENCES. TEXT
OF TWO-SENTENCE PRINCIPLE IS AS FOLLOWS:
BEGIN TEXT:
THE PARTICIPATING STATES REGARD AS INVIOABLE ALL
ONE ANOTHER'S FRONTIERS, AS WELL AS THE FRONTIERS OF
ALL STATES IN EUROPE, AND THEREFORE THEY WILL REFRAIN,
NOW AND IN THE FUTURE, FROM ASSAULTING THESE FRONTIERS,
ACCORDINGLY THEY WILL ALSO REFRAIN FROM ANY DEMAND FOR
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OR ACT OF SEIZURE AND USURPATION OF PART OR ALL OF THE

TERRITORY OF ANY PARTICIPATING STATE. END TEXT.
TEXT OF SENTENCE ON PEACEFUL CHANGES IN FRONTIERS AND
FRG FIVE POINT INTERPRETIVE STATEMENT FORWARDED REFTEL.

2. FINAL TEXTS BALANCE COMPETING INTERESTS OF WEST AND EAST IN THAT SOVIETS RECEIVED A CLEAR AND UNBRACKETED TEXT, WITHOUT ANY REFERENCE TO THE LEGAL STATUS OF FRONTIERS AND WITH PEACEFUL CHANGE SPLIT OFF AND EVENTUALLY DESTINED FOR ANOTHER PRINCIPLE. WEST, HOWEVER, ACHIEVED MANY FAVORABLE CHANGES IN THE TEXT, INCLUDING WHAT APPEARS TO BE A LINK BETWEEN INVIOABILITY AND NON-USE OF FORCE IN THE ENGLISH AND CERTAIN OTHER TEXTS. A SPECIAL SENTENCE ON PEACEFUL CHANGE WILL NOW CLEARLY BE INCLUDED IN THE LIST OF PRINCIPLES AND NORMAL TERRITORIAL CLAIMS OF THE KIND U.S. HAS AGAINST CANADA WILL BE UNEFFECTED. IN ADDITION SOVIETS HAD TO GIVE UP ANY REFERENCE TO "EXISTING" FRONTIERS AS WELL AS THEIR EFFORTS TO STATE THAT PRINCIPLE HAD A SPECIAL SIGNIFICANCE FOR PEACE. PRINCIPLE ALSO WAS CHANGED TO COVER ALL FRONTIERS OF ALL PARTICIPANTS. REFERENCE TO "ALL FRONTIERS IS DEEMED TO COVER SEA FRONTIERS OF SPECIAL CONCERN TO MALTA, AND SOVIETS ALSO ARGUED THAT THIS REFERENCE EXTENDED PRINCIPLE TO ALL FRONTIERS REGARDLESS OF THEIR LEGAL STATUS, MAKING LEGAL STATUS SENTENCE UNNECESSARY.

3. ADDITIONAL REFERENCE TO THE FRONTIERS OF ALL STATES IN EUROPE WAS ADDED AT YUGOSLAV INSISTENCE TO COVER ALBANIA.

4. SOVIET-PROPOSED THIRD SENTENCE DEALING WITH ENCROACHING ON FRONTIERS WAS ATTACHED TO END OF FIRST SENTENCE AND VERB WAS CHANGED TO "ASSAULTING", A WORD STRONGLY IMPLYING THE USE OF FORCE, LENDING ENGLISH AND OTHER VERSIONS TO THE INTERPRETATION THAT THE PRINCIPLE IS DEFINED TO COVER ONLY FORCIBLE VIOLATIONS OF FRONTIERS. RUSSIAN VERB DOES NOT REPEAT NOT CARRY THIS CONNOTATION, HOWEVER, AND SOVIETS PROMOTED THE USE IN ENGLISH OF THE WORD "ASSAULT" IN ORDER TO EXPEDITE AGREEMENT. THE SECOND SENTENCE SUPPORTS VIEW THAT ONLY FORCIBLE VIOLATIONS ARE COVERED BY FURTHER DEFINING THE PRINCIPLE IN FORCIBLE TERMS BY PRO-CONFIDENTIAL

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HIBITING "ANY DEMAND FOR OR ACT OF SEIZURE AND USURPATION" OF TERRITORY. SEIZURE INTERPRETED TO INVOLVE FORCE AND USURPATION INVOLVES ILLEGALITY. ONLY DEMANDS INVOLVING BOTH ELEMENTS ARE ADDRESSED. THE CHAIRMAN ACKNOWLEDGED THAT THIS PHRASE REQUIRED "LINGUISTIC TOILETTE" BUT ALL DELEGATIONS ACCEPTED IT IN ORDER TO BREAK DEADLOCK OVER FRG CONCERNS. PRIOR TEXT REFERRED TO "ANY DEMAND OR ACT AIMED AT SEIZURE AND USURPATION" OF TERRITORY, WHICH

BONN FELT WAS TOO SUBJECTIVE. THIS CONCERN, ALONG WITH FIVE POINTS IN FRG INTERPRETIVE PAPER, CAUSED FRG DEL TO REQUEST BRACKETING OF "DEMAND" AND "AIMED AT", WHICH SOVIETS WERE UNABLE TO ACCEPT. TEXTUAL CHANGE DROPPED "AIMED AT" AND LAST MINUTE INSTRUCTIONS FROM BONN AUTHORIZED FRG DELEGATION TO LIST THEIR OTHER CONCERNS IN THEIR INTERPRETIVE STATEMENT AND TO DROP BRACKETS ON "DEMAND" FRG REPS EXPLAINED PRIVATELY THAT CHARGES BY CDU THAT GOVERNMENT WAS PREJUDICING MOSCOW TREATY AT CSCE REQUIRED BONN TO TAKE A FIRM STAND. NEW SECOND SENTENCE ALMOST ENTIRELY OBLITERATES ORIGINAL SOVIET CONCEPT OF PROHIBITING STATES FROM MAKING ANY TERRITORIAL CLAIMS. FIRST AND SECOND SENTENCE TAKEN TOGETHER DEPRIVE THE PRINCIPLE OF ANY FLAVOR OF IMMUTABILITY, WHICH PRESUMABLY WAS A PRIME SOVIET OBJECTIVE.

5. SENTENCE ON PEACEFUL CHANGES OF FRONTIERS WAS EASILY AGREED ONCE WESTERN DELEGATIONS GAVE UP INSISTENCE UPON REFERENCE TO SELF-DETERMINATION IN TEXT, WHICH SOVIETS AND GDR FOUND UNACCEPTABLE.

6. COMMENT: THE COMPROMISE BETWEEN FRG AND SOVIETS AVOIDED WHAT UNDOUBTEDLY WOULD HAVE BEEN AN UNPLEASANT SCENE INVOLVING BITTER ACCUSATIONS OF BAD FAITH AND WHICH MIGHT HAVE POISONED CONFERENCES CHANCES FOR RAPID PROGRESS IN OTHER BASKETS AFTER THE BREAK. WESTERN DELS HOPE THAT SOVIET SATISFACTION AT HAVING RECEIVED A CLEAR, UNBRACKETED TEXT, AND THEIR COROLLARY DESIRE TO CLINCH THE DEAL, WILL CAUSE THEM TO BE MORE FORTHCOMING AFTER EASTER IN AN EFFORT TO REACH AN EARLY CONCLUSION TO THE CONFERENCE. SOVIET REP SUGGESTED THIS MIGHT INDEED BE THE CASE WHEN, AFTER AGREEMENT WAS REACHED, HE POINTEDLY STATED THAT THIRD PHASE COULD NOW BE EXPECTED AT AN EARLY DATE, AND AT THE CONFIDENTIAL

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HIGHEST LEVEL. END COMMENT. DALE

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